

## § 19.91

### REQUIREMENTS FOR AN OPERATING PERMIT UNDER THE IRC

#### § 19.91 Operating permit.

(a) Except as provided in paragraph (b) of this section, a person must obtain an operating permit under the IRC in order to:

- (1) Distill for industrial use;
- (2) Warehouse spirits for industrial use;
- (3) Denature spirits;
- (4) Warehouse spirits (without bottling) for nonindustrial use;
- (5) Bottle or package spirits for industrial use;
- (6) Manufacture articles; or
- (7) Engage in any other distilling, warehousing, or processing operation not required to be covered by a basic permit under the Federal Alcohol Administration Act (49 Stat. 978; 27 U.S.C. 203, 204).

(b) *Exception.* The requirement to obtain an operating permit does not apply to an agency of a State, or political subdivision of a State, or an officer or employee of, and acting for, such an agency.

(26 U.S.C. 5171, 5271)

#### § 19.92 Information required in application for operating permit.

(a) In order to obtain an operating permit, a person must complete an application on form TTB F 5110.25, Application for Operating Permit Under 26 U.S.C. 5171(d). TTB will consider all written statements, affidavits and other documents submitted in support of the application as part of the application.

(b) The application on TTB F 5110.25 must include the following information:

- (1) The name and principal address of the business;
  - (2) The address of the plant if different from the business address;
  - (3) A description of the operation(s) to be conducted;
  - (4) A statement of the business organization and the persons involved in the business as required under § 19.93; and
  - (5) A list of trade names as required under § 19.94.
- (c) A TTB officer may request that any person listed under § 19.93(a)(1)(ii),

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(a)(3)(iii), (b)(1), or (b)(2) submit to TTB a statement as to whether that person has ever:

(1) Been convicted of a felony or misdemeanor under Federal or State law, other than a misdemeanor conviction for a traffic violation;

(2) Been arrested or charged with any violation of State or Federal law, other than an arrest or charge for a misdemeanor traffic violation; or

(3) Applied for, held, or been connected with a permit issued under Federal law to manufacture, distribute, sell or use spirits or products containing spirits, or held any financial interest in any business covered by any such permit, and if so, give the permit number, classification, period of operation and details regarding any denial, suspension, revocation or other termination.

(d) If any of the information required in paragraphs (b)(4) or (c)(3) of this section is on file with the appropriate TTB officer, the applicant may, by incorporation by reference, state that the information is made a part of the application for an operating permit.

(e) The applicant must provide any additional information that the appropriate TTB officer may request in order to determine whether the application should be approved.

(26 U.S.C. 5171, 5271)

#### § 19.93 Applicant organization documents.

(a) *Supporting information.* Sections 19.73(a)(5) and 19.92(a)(4) require that the application for registration and the application for an operating permit include information about the business organization of the applicant. The applicant must provide the following information as applicable:

- (1) If the applicant is a corporation—
  - (i) The corporate charter or other documentation that provides proof of corporate existence or incorporation;
  - (ii) Names and addresses of directors and officers;
  - (iii) Certified minutes, or extracts of board of directors meetings, that authorize specific individuals to sign for the corporation; and
  - (iv) A statement showing the number of shares of each class of stock or other evidence of ownership, authorized and